

**Town of Shrewsbury - Board of Selectmen
Richard D. Carney Municipal Office Building-Selectmen's Meeting Room
100 Maple Avenue
Monday, November 3, 2003 at 7:00 PM**

Minutes

Present:

Bruce Card, Maurice DePalo, Thomas Fiore, Philip Hammond, John Lebeaux, and Daniel Morgado, Town Manager. Mr. Fiore called the meeting to order at 7:12pm.

Preliminaries:

1. Approve bills, payrolls and warrants #0435 in the amount of \$270,792.68 and #0436 in the amount of \$935,473.27.
2. Approve Minutes of October 14, 2003 and October 20, 2003. Motion made, seconded and unanimously voted to approve.
3. Announcements – Mr. Lebeaux advised the Robert Cormier, Head of Shrewsbury High School's Social Studies Dept., had recently passed away. He had served the Town in many capacities and will be missed.
4. Town Manager's Report – Nothing other than what is on the Agenda.

Meetings:

5. 7:00pm – 50th Anniversary of Selectmen-Town Manager Act. Mr. Fiore announced that in observance of the 50th Anniversary of the Selectmen-Town Manager Act that the Board was honored by having eleven former selectmen, the three longest serving town meeting members and Mr. Carney, who served as Town Manager for over 40 years present this evening. Mr. Fiore introduced the former selectmen who were present: Leo Corazzini, Laurie Lindberg Hogan, Reuben Lebeaux, Robert Moroney, Donna Largess O'Connor, Karyn Polito, Joseph Ricca, Donald Ricker, June Tomaiolo, Michael Trotto and Peter Whitney. Irving Donahue and Ronald Gauch could not join the group this evening and Edward Fitzgerald could not be contacted. Rep. Karyn Polito spoke on behalf of the former selectmen. He then introduced the town meeting members who have served for 50 years: Randall Dean, John Kehoe and Robert Lutz. Mr. Lutz served as spokesmen for that group. Mr. Fiore introduced Mr. Carney who said a few words about his time as manager. Mr. DePalo spoke on behalf of the present Board. Mr. Fiore invited the entire group to participate in a taping to share their experiences while serving the Town as selectmen, town meeting members and Mr. Carney as town manager later this month. The program will be aired on the public access channel.
6. 7:15pm – Avalon Bay – 40B. Michael Roberts, Stephen Forbes and Atty. Stephen Schwartz were present for Avalon Bay. Mr. Roberts presented Avalon's plans for the site on route 20 at the former Bark & Mulch facility. The development will include 106 one-bedroom apartments in three story apartment buildings, 153 two-bedroom and 24 three-bedroom units in direct entry and town home buildings. There will also be a clubhouse/office facility, a maintenance building and recycling center. There will be parking for approximately 584 vehicles including some attached and detached garages. A parcel fronting route 20 would be designated for retail development in keeping with the Town's wishes for the route 20 area. Atty. Schwartz explained that Avalon Bay is using a Local Initiative Program (LIP) to achieve the 40B approval which works between the developer and the community to start and then approaches Mass. Housing for approval rather than going to the state first and then going to the community. After the state approves the proposal, it goes to the local ZBA. This approach gives the town the opportunity to work things out with the developer before involving the state. He added that the town could approve the concept in principal in order to get things rolling and address the specifics later. The development could be completed in 18-22 months after approval is received. Judi Barrett, a planning and zoning consultant for the town, added that once a large project such as this is approved the town would receive a one year moratorium on other 40B projects. If they have a comprehensive housing plan in place a two year moratorium is achieved. After a discussion, Mr. Fiore said that in light the amount of information the Board had received this evening he suggested that a decision be tabled until the next meeting in order for the Board to give it a more in

depth review. The Avalon Bay 40B discussion will be tabled and resumed at as Old Business at the November 17th meeting. At that time a decision will be made.

7. 7:30pm – Cherry Street Connector Road – Asst. Town Mgr. Michael Hale and Town Eng. Jack Perreault. Mr. Hale and Mr. Perreault were present and updated the Board on the status of the Cherry Street project. The project is out to bid and at a pre-bid meeting, contractors requested an extension of the opening date of November 7th. The extension was granted and the date is now November 14th. Maguire has voiced concern about costs. MassHighway has added significant changes increasing original costs by \$300,000. WBDC may seek additional PWED funding to offset the increase. Also, the road had to be relocated due to wetlands which resulted in the purchase of private property. WBDC purchased a portion of the Hook property for \$200,000 and negotiated a permanent easement with National Grid. A negotiated settlement has been reached with J.J. Farrell and the Vincequere family which involves the Town extending water and sewer services in the new lots increasing the costs another \$175,000-\$190,000. As a contingency, there are five deduct alternates that could reduce the costs by over \$800,000. Whether these would be needed is unknown until the bid is received. Due to all these factors, an amendment to the Memorandum of Understanding signed by the Board and WBDC at Town Meeting is necessary. Taxpayers will not be impacted. Motion was made to adopt the first amendment to the Memorandum of Understanding dated November 3, 2003. Motion was seconded and unanimously approved.

Mr. Perreault updated the Board on the sewer trunk line from Shady Lane Avenue to Richard Avenue. A public meeting was held last week to inform the abutters about the project. Representatives from the Engineering and Water & Sewer Departments and the contractor, Heller & Smith Corp., provided information about construction, schedules and easements. Construction will begin this month and end phase one on Shady Lane in February and resume in the spring after the thaw. The present 21” concrete pipe will be replaced with 24” PVC.

Mr. Fiore advised that June Tomaiolo was present to explain the changes required by the Conservation Commission to the Conservation Restriction of the Shrewsbury Commons land. As no substantive changes were, motion was made to sign the amended Conservation Restriction on land owned next to Shrewsbury Commons. Motion was seconded and unanimously voted.

Public Hearings:

8. 7:00pm – Kerry Vokes d/b/a Nick’s Auto Sales, 235 Hartford Turnpike, Show Cause Hearing – Continued. Mr. Fiore recused himself in order to avoid appearance of conflict of interest. Mr. DePalo reopened the hearing which had been continued from October 20, 2003 and moved to continue the hearing until later in the evening and other business before the Board had been completed. Motion was seconded and voted four in favor with one abstention to approve. Mr. DePalo assumed the chair and reviewed the prior proceedings. He said that an e-mail had been received from Mr. Vokes recently stating that he was no longer conducting business in Shrewsbury. However, he is unable to turn in his license because it has been lost. Mr. DePalo stated that technically the license is still in effect unless it is turned in. Mr. Card asked if the license should be revoked or let stand until the end of the year when it will expire. After a discussion, the Board found that Kerry Vokes, holder of a Class II license for Nick’s Auto Sales, 235 Hartford Turnpike was not meeting regulations or conducting business on this site and is not in compliance with ZBA conditions. Motion was made to immediately revoke the Class II license of Nick’s Auto Sales, 235 Hartford Turnpike, Kerry Vokes owner, pursuant to MGL 140 section 59. Motion was seconded and voted four in favor with Mr. Fiore abstaining.
9. 7:05pm – White Hen Pantry, 38 Maple Avenue, Jimmy B. Eldean & Ghazal Dakkak, managers. Amend Common Victualler’s License to include 3 tables and 6 chairs for inside dining. Hours of Operation: 24 hours per day, Sunday through Saturday. Mr. Eldean and George Lamont, franchising manger for White Hen, were present. Mr. Lamont explained that the purpose for the application was to add three tables and six chairs to the present facility for convenience of their customers. The present soda and magazine display in the front of the facility will be moved to make space for these tables. Mr. Fiore asked if the remainder of the store remain the same. Mr. Lamont replied that it would. Mr. Fiore opened the hearing to the public as there was no public comment; motion was made, seconded and unanimously voted to close the hearing. Motion was made to approve the

application for an amendment to the Common Victualler's License for White Hen Pantry, 38 Maple Avenue, to include three tables and six chairs for inside dining. Motion was seconded and unanimously voted.

Old Business:

10. Memo from Mr. Morgado re South Quinsigamond Avenue. Mass. Highway has approved the Board's request to remove the speed limit signs on South Quinsigamond Avenue and replace them with Thickly Settled 30 mph signs. The signs have been removed and replaced.
- 10a. Discuss replacement appointment to Shrewsbury Development Corp. Mr. Fiore said that this item had been carried over from the last meeting and asked the Board if they wished to proceed at this time. The Board asked for more time to consider the applicants. Postponed until November 17th meeting.

New Business:

11. St. Mary's Syrian Orthodox Church, 1 Industrial Drive, One Day all Alcohol License for social event, Saturday, November 15, 2003 from 7:00pm to 12:00 midnight. Motion was made, seconded and unanimously voted to approve the application of St. Mary's Syrian Orthodox Church for a One Day All Alcohol License.
12. Alcoholic Beverage Control Commission 2004 Liquor License Renewals – Due by 11/30/03. New licenses will not be issued unless paid in full with the renewal application back by 12/12/03. Motion was made, seconded and unanimously voted to approve provided fee is paid by appropriate deadline.
13. Board to vote on Holiday and Sunday Package Store Openings for the Remainder of 2003. Motion was made to approve Sunday Package Store openings for the remainder of 2003. Motion was seconded and unanimously voted.
14. Request from Kay Dietrich, 107 Cherry Street, to use Town Common for Annual Caroling on the Common Event on Tuesday, December 23, 2003 at 7:00pm. The Congregational Church has given their approval. Motion was made to approve the request to use the Town Common for Caroling on the Common on December 23, 2003. Motion seconded and unanimously voted.
15. Bond Anticipation Notes (BAN). This is for authorization of \$100,000 bond for Allen Farm. Motion was made, seconded and unanimously voted to approve.

Executive Session:

16. Pending Litigation.

Communications:

17. Noted copy mailed: Notice from MMA re Fall Regional Update Meeting.
18. Noted copy mailed: ABCC 2004 Calendar of Holiday & Sunday Package Store Openings.
19. Noted copy mailed: ZBA Hearing Minutes, 7/19/03, George Cadette (Dunkin Donuts), 32 Maple Avenue.
20. Noted copy mailed: Notice from Dept. of Housing & Community Development re The New 40B.
21. Noted copy mailed: ZBA Hearing Minutes, 9/30/03, Linda Acciardo, 86 Old Faith Road.
22. Noted copy mailed: ZBA Hearing Minutes, 9/30/03, Lindsay McFadden, 23 Seton Drive.
23. Noted copy mailed: Notice of Public Hearing from Engineering Dept. and Water & Sewer Dept. to Abutters to the Sewer Trunk Line – Shady Lane Ave. to Richard Ave.
24. Noted copy mailed: City & Town, Vol. 16, No. 9 – October 2003.
25. Noted copy mailed: Dept. of Telecommunications & Energy – Practical Guide to the Regulatory Process in Massachusetts (on file in BOS office).
26. Noted copy mailed: ZBA Hearing Minutes, 8/26/03, Steve Pappas c/o Service Star Development Co., 930 Hartford Turnpike.
27. Noted copy mailed: Letter from Victor R. Quaranta American Legion Post 397 surrendering Club License. The manager of the club is currently incapacitated and they are unable to locate the license. They are searching and will turn it in as soon as it is found.
28. Noted copy mailed: Parks & Recreation News, October 23, 2003.
29. Noted copy mailed: MBTA Advisory Board Meeting materials.
30. Noted copy mailed: Post-Audit Completion Statement from Subsurface Remediation Technologies for GMS Automotive, 455 Hartford Turnpike re Notice of Non-Compliance issued by EPA.

31. Noted copy mailed: Notice from Dept. of Housing & Community Development re Downtown Workshops.
32. Noted copy mailed: Press release from Office of District Attorney, re disposition of criminal cases for Worcester Superior Court for first nine months of 2003.
33. Noted copy mailed: Letter from Daniel Turcotte & Associates for Automotive Recyclers Assoc. of Mass. re sale of second hand motor vehicle parts.
34. Noted copy mailed: ZBA Hearing Minutes, 10/14/03, Kevin Brenner, 14 Melody Lane.
35. Noted copy mailed: ZBA Hearing Minutes, 10/14/03, Paul Ottaviano, 87 Colonial Drive.
36. Noted copy mailed: ZBA Hearing Minutes, 10/14/03, Steven Bolivar, 2 Mangs Drive.
37. Noted copy mailed: ZBA Hearing Minutes, 10/14/03, Elizabeth Johnson-Chabot, 26 Edgemere Blvd.
38. Noted copy mailed: ZBA Hearing Minutes, 10/14/03, Audrey Doyle-Richardson & David Richardson 375 South Street.
39. Noted copy mailed: Massachusetts Producer Take Back Campaign materials. Forward to Health Director Nancy Allen for input and review at future meeting.
40. Noted copy mailed: Memo from Dept. of Housing & Community Development re Reestablishment of Peer-to-Peer Program.
41. Noted copy mailed: Alert from Dept. of Housing & Community Development re Community Development Block Grant Program.
42. Noted copy mailed: Notice of Public Hearing from Dept. of Housing & Community Development re FY 2004 Action Plan for housing & community development programs.
43. Noted copy mailed: School Committee Meeting Agenda, 11/5/03.
44. Noted copy mailed: Letter from Rashid Shaikh requesting appointment to the Cultural Council. Forward to Cultural Council Chair, Michael Lapomardo.

Motion was made, seconded, and unanimously voted to adjourn at 9:28pm.

Respectfully submitted,

Janice C. McCoy
Secretary